

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JESSIE CALVIN HAWKINS,	§	
	§	
VS.	§	CIVIL ACTION NO.4:06-CV-830-Y
	§	
NATHANIEL QUARTERMAN, Director,	§	
T.D.C.J., Correctional	§	
Institutions Division,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Jessie Calvin Hawkins under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on May 31, 2007; and
3. The respondent's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on June 6, 2007; and
4. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on June 12, 2007.

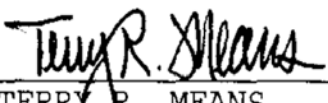
The Court, after *de novo* review, concludes that both the Petitioner's objections and the Respondent's objections must be overruled,¹ that the magistrate judge's findings and conclusions should be adopted, and that the petition must be dismissed without prejudice for lack of exhaustion.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

¹The Court adopts the magistrate judge's decision not to reach the Respondent's arguments and objections regarding limitations.

Petitioner Jesse Calvin Hawkins's petition for writ of habeas corpus is DISMISSED WITHOUT PREJUDICE, except as to any application of the federal statute of limitations or other federal procedural bar that may apply.²

SIGNED June 26, 2007.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

²A one-year statute of limitations is now applicable to the filing of non-capital § 2254 habeas corpus petitions in federal court. See 28 U.S.C.A. § 2244(d)(1-4)(West 2006). The statute of limitations is tolled, however, while a properly filed application for state post-conviction or other collateral review is pending. 28 U.S.C.A. § 2244(d)(2)(West 2006).